concrete and steel.

REMARKS

A petition for a two month extension of time has today been filed as a separate paper and a copy is attached hereto.

The foregoing amendment serves to correct a typographical error in claim 112 and operates to remove claim 112 from the examiner's Group 1 and place it within Group 10.

Responsive to the requirement for an election, applicants, by their undersigned attorney, hereby elect Group 1, i.e., claims 75-89, 99 and 105-110 for prosecution.

However, the restriction requirement is respectfully traversed on the basis that all claims recite a single inventive concept shared in common and, therefore, each claim refers to a reinforcing material in which a polymeric binder serves as a binder intermediate and binding hydraulic inorganic powder to reinforcing powder.

MPEP 1893.03(d) provides:

> When making a lack of unity invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.

Here, the examiner has not explained "why each group lacks unity with each other group" and has not specifically described "the unique special technical feature in each group." In connection with the latter point it is noted that the examiner has characterized the invention of many of the groups with the exact same language.

The restriction requirement is further traversed on the basis that the pending claims all recite a special technical feature which is not found in the prior art. In the office action of July 3, 2001, all pending claims were rejected over Japanese Patent 2-267143. In traversing that rejection in applicants' response filed July 3, 2001, it was noted that the reference "neither discloses nor suggests any such composite material which is flexible in a dry (absent water) state." It is also argued: "Stated differently, the Japanese publication neither discloses nor suggests any composite which is flexible prior to hydration of the hydraulic cement component." Those distinctions over the prior art represent a special technical feature common to all claims. Every claim requires such a flexible reinforcing element at some point in a process, the flexible reinforcing element itself or the product obtained by hardening such an element. In other words, the common "special technical feature" is the existence, at some point, of a reinforcing fiber material containing a dry or unhardened hydraulic inorganic powder, the reinforcing element in that state being flexible. The prior art known at the time of filing is also distinguished on the basis of this "special technical feature" at page 7, lines 1-14 of applicants' specification where it is noted that prior art reinforcing materials impregnated with an aqueous slurry are impossible to store. Accordingly, such prior art composites must be prepared at site of use. The present

invention is also distinguished from Japanese Patent Abstract 62-226848 noted by the examiner in this most recent office action, for the same reasons stated above. In JP 62-226848, the reference, the resin-containing slurry is introduced into an aqueous cement (cement powder and water) prior to application to the fiber. Accordingly, as in the previously noted prior art, water is present before the hydraulic inorganic powder is applied to the fiber and, because of the presence of water, the hydraulic inorganic powder begins immediately to hydrate and to harden. In other words, Japanese Patent Abstract 62-226848 referred to by the examiner in this most recent office action is merely cumulative with the prior art mentioned at page 7, lines 1-14 of applicants' specification. Summarizing, all claims recite a special technical feature not found in the prior art and, accordingly, there is unity of invention and the restriction requirement should be withdrawn.

Accordingly, it is respectfully requested that the examiner reconsider and withdraw the requirement for restriction.

Respectfully submitted,

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112. (Amended) A method for reinforcing/repairing a construction as claimed in claim 111 [110] wherein the construction is made from one or more materials selected from the group consisting of concrete and steel.